JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: San Francisco District **FILE NUMBER:** 295850N, Christopherson Homes

FILE	NU	JWLBER:	29383UI	v, Christophei	SOR HO	nnes								
S C C A N	State Cou Cent App Van	e: nty: ter coordi roximate	Californ Mendoc inates of s size of ar est water		ongitud viewed, eek					-16.8342				
				ERMINATIO determination t(s)			Date: Date(s):	8 Jul	ly 2005					
J	uri	sdictiona	ıl Determ	ination (JD):	:									
Ē]	United S	States" and	Based on avail I/or "navigabl R part 331).										
₽	3		rd JD – Ar II that app	n approved JE ly:) is an a	ppealable	action (R	eferer	ice 33 C	FR part 3	31).			
				rigable waters Approximate					l by 33 (CFR part	329 and	associate	ed guidano	ce) within
				ters of the Un oproximate siz						328 and a	ssociated	l guidan	ce) within	the
		There	e are "iso 🔲	lated, non-nar Decision su Jurisdiction	pportec								Determina	tion of No
BASIS	s o	F JURIS	SDICTIO	NAL DETER	RMINA	ATION:								
***	1	The prese	ence of w	nder 33 CFR aters that are see susceptible 1	subject	to the ebb	and flow	of the	tide and	d/or are p	resently	used, or	have been	ı used in
]	(1) The printerstate	oresence o e or foreig	nder 33 CFR of waters, which on commerce, of interstate wa	ch are c includi	currently ung all wat	ised, or we ers which	ere use are su	ed in the ibject to	past, or i	nay be si			1
		(3) The particular sandflats destruction	oresence of wetland on of whi	of other waters s, sloughs, pra ch could affect or could be us	s such a sirie po et inters	is intrastat tholes, we tate comn	te lakes, ri et meadow nerce incli	vers, s s, play iding	streams (/a lakes, any such	or natura waters (il ponds, check all	the use, that app	degradatio	
		- transfer		ch fish or shell or could be t									ce.	
]	 (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. 												
		(6) The p	oresence c	of territorial se of wetlands ad	as.					for those	wetlands	adjacer	nt to other	wetlands.
				s of Jurisdict										
				itself a navigo										

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Since Feliz Creek maintains a continuous ordinary high water mark with and discharges directly into the mainstem Russian River, Feliz Creek is a tributary water of the Russian River, as defined under 33 CFR Section 328.3(a)(5). The mainstem Russian River is both tidally influenced in its lower estuary reach and is designated as "navigable" for a distance of 13.6 miles from its confluence with the Pacific Ocean upstream to Vacation Beach, as defined under 33 CFR Section 329.4 and 33 CFR Section 328.3(a)(1).

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: Gillor scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:								
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.								
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:								
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):								
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated March 2001, prepared by (company): Jones & Stokes This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 8 July 2005 Applicable/supporting case law: Other information (please specify):								

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

	The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.						
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